

**Epping, Hermann & Fischer GbR**

Ridlerstrasse 55

D-80339 München, Deutschland (Germany)

Attn: Jacob Eisenberg

PCT  
533 Rec'd PCTO 13 AUG 2001  
09/913394

Voice +49895003290

Facsimile +498950032999

Customer No.: 000026461

Assistant Commissioner for Patents  
Washington DC 20231

Re: Utility Patent Application  
Atty. Docket: P1999,0003USN; Client Ref: Epp.024  
Filed: Herewith; Serial No.: To be assigned  
Inventor(s): Volker HARLE *et al.*  
For: Optical Semiconductor Device Comprising a Multiple Quantum Well Structure

Sir:

The following documents are attached herewith for appropriate action by the  
US Patent Office:

1. Transmittal Letter Form PTO-1390;
2. Petition for Revival Form PTO/SB/64/PCT;
3. Fee Transmittal Form (duplicate);
4. International Application PCT/DE00/04089;
5. English Language Translation of International Application PCT/DE00/04089;
6. Preliminary Amendment; and
7. Return Post Card.

It is respectfully requested that the attached post card be stamped with the  
filing date of these documents and returned to us via post. A duplicate of this letter  
is enclosed.

Respectfully submitted,

*Jacob Eisenberg*

Jacob Eisenberg

Attorney for Applicant

Registration No. 43,410

Date: August 7, 2001

AUG 13 2001

533 Rec'd PTO 13 AUG 2001

FORM PTO-1390  
(REV. 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

P1999,0003USN

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/913394

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.  
PCT/DE00/04089INTERNATIONAL FILING DATE  
20 November 2000PRIORITY DATE CLAIMED  
19 November 1999**TITLE OF INVENTION**

Optical Semiconductor Device Comprising a Multiple Quantum Well Structure

**APPLICANT(S) FOR DO/EO/US**

Volker Harle, Berthold Hahn, Hans-Jurgen Lugauer, Helmut Bolay, Stefan Bader, Dominik Eisert, Uwe Strauss et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

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U.S. APPLICATION NO. (if known) 09/913394

INTERNATIONAL APPLICATION NO.  
PCT/DE00/04089ATTORNEY'S DOCKET NUMBER  
P1999,0003USN

AUG 13 2001

21. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO. .... \$1000.00International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO ..... \$860.00International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00International preliminary examination fee (37 CFR 1.482) paid to USPTO  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$690.00International preliminary examination fee (37 CFR 1.482) paid to USPTO  
and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00**ENTER APPROPRIATE BASIC FEE AMOUNT =**

CALCULATIONS PTO USE ONLY

\$ 860

Surcharge of \$130.00 for furnishing the oath or declaration later than ☒ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 130

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	25 - 20 =	5	x \$18.00	\$ 90
Independent claims	1 - 3 =	0	x \$80.00	\$ 0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$

**TOTAL OF ABOVE CALCULATIONS =**

\$ 1080

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above  
are reduced by 1/2. +

\$

**SUBTOTAL =**

\$ 1080

Processing fee of \$130.00 for furnishing the English translation later than ☒ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$ 130

**TOTAL NATIONAL FEE =**

\$ 1210

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$

**TOTAL FEES ENCLOSED =**

\$ 1210

Amount to be  
refunded:

\$

charged:

\$ 1210

a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.b. ☒ Please charge my Deposit Account No. 501871 in the amount of \$ 1210 to cover the above fees.  
A duplicate copy of this sheet is enclosed.c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 501871. A duplicate copy of this sheet is enclosed.d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card  
information should not be included on this form.** Provide credit card information and authorization on PTO-2038.**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR  
1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Epping, Hermann & Fischer  
Ridlerstrasse 55  
D-80339 Munchen, Deutschland (Germany)  
Customer No.: 000026461

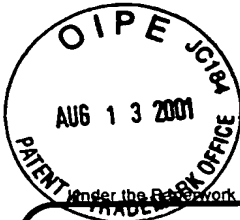
SIGNATURE

Jacob Eisenberg

NAME

43,410

REGISTRATION NUMBER



533 Rec'd PCT/PTO 13 AUG 2001

09/913394

PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 1240

**Complete If Known**

Application Number	Unassigned
Filing Date	Herewith
First Named Inventor	Volker HARLE
Examiner Name	Unassigned
Group Art Unit	Unassigned
Attorney Docket No.	P1999,0003USN

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 501871  
Deposit Account Name: Epping, Hermann & Fischer

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$ )

**2. EXTRA CLAIM FEES**

Total Claims:  -20\*\* =  X  =   
Independent Claims:  -3\*\* =  X  =   
Multiple Dependent:  =

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	1240
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1240

**SUBMITTED BY**

Name (Print/Type)	Jacob Eisenberg	Registration No. (Attorney/Agent)	43,410	Telephone	+49895003290
Signature	<i>Jacob Eisenberg</i>	Date			

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.